

11/28/97



JC494 U.S. PTO

W4
6-15-98
Pro-Amend
4/A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. D5858D1
Anticipated Classification of this application:
Class: 530 Subclass: 350
Prior application: Examiner: Lucas, J.
Art unit: 1806

The Assistant Commissioner of Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

Sir:

This is a request for filing a divisional application under 37 CFR 1.60, of pending prior application Serial No. 08/774,154 filed on December 26, 1996, entitled **Novel Method of Diagnosing and Treating Gliomas**.

1. X Enclosed is a complete copy of the prior application, including the declaration as originally filed. I hereby verify that the papers are a true copy of the latest signed prior application number 08/774,154, and further that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and such willful statements may jeopardize the validity of the application or any patent issuing thereon.
2. X A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 _____ is enclosed, X was filed in the prior application and such status is still proper and desired (37 CFR 1.28(a)).
3. X The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW

For: _____	No. filed _____	No. extra _____
Basic Fee		
Total claims*	20 = <u>0</u>	<u>0</u>
Indep. claims*	3 = <u>0</u>	<u>0</u>

____ Multiple Dependent Claim Presented

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Fees for Small Entity

Rate Fee

_____ x \$ = \$ 0
 _____ x \$ = \$ 0-
 + \$ = \$ 0-
 TOTAL \$ 395.00

or

Fees for other than a small entity

Rate Fee

_____ x \$ = \$.00
 _____ x \$ = \$ _____
 _____ x \$ = \$ _____
 \$ = \$ _____
 TOTAL \$ _____

4. X A check in the amount of \$ 395.00 is enclosed.

5. X Cancel in this application original claims 5-20 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

7. X Amend the specification by inserting before the first line the sentence: -- [This is a divisional application of application serial no. 08/774,154 filed on December 26, 1996] now U.S. Patent No. 5,905,027

8. _____ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by § 1.138 and before payment of issue fee.)

9. X 20 drawings are enclosed.

10. _____ Priority of application serial no. _____ filed on in _____, is claimed under 35 U.S.C. 119.

_____ The certified copy of the priority application has been filed in prior application serial no. _____

11. a. X With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. §120 the inventor(s) in this application are:

X the same

b. X The inventorship for all the claims in the application are:

X the same

_____ not the same, and an explanation, including the ownership of various claims at the time the last claimed invention was made, is submitted.

12. X The prior application is assigned of record to The UAB Research Foundation.

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C1 3/12/97

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08980395-11289

13. X The power of attorney in the prior application includes Benjamin Aaron Adler, Ph.D., Registration No. 35,423.

a. X The power appears in the original papers in the prior application.

b. Since the power does not appear in the original papers, a copy of the Power in the prior application is enclosed.

c. X Address all future communications to:

Dr. Benjamin Adler
McGregor & ADLER, P.C.
8011 Candle Lane
Houston, Texas 77071

14. A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in prior application.)

a. A Supplemental Oath [1.67(b)(1)] for new claims is enclosed.

15. I hereby verify that the attached papers are a true copy of prior application Serial No. filed on , that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Nov 28, 1997
Date

Benjamin Aaron Adler
Benjamin Aaron Adler, Ph.D., J.D.
Registration No. 35,423
Attorney for Applicant

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Docket No. D5858/D1

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Prior application: Examiner: Lucas, J.

Art unit: 1806

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08/980395
11/26/97

The Assistant Commissioner of Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

CERTIFICATE OF EXPRESS MAILING
UNDER 37 CFR 1.10

I hereby certify that this divisional transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service as Express Mail No.EM585990338US in an envelope addressed to: The Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231, BOX PATENT APPLICATION on the date indicated below.

Please return the enclosed postcard acknowledging receipt of this correspondence.

Respectfully submitted,

DATE: Nov 28, 1997

Benjamin Aaron Adler
Benjamin Aaron Adler, Ph.D
Registration No. 35,423

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